

REMARKS

Applicant notes that the Examiner required a restriction of the claims into two groups of inventions. In particular, the Examiner required restriction of Group I: claims 1-14 drawn to a container, and Group II: claims 15-18 drawn to a method of deterring theft of items displayed in a container while allowing access to the items from the outside of the container after purchase. Applicant affirms election of Group I: claims 1-14. The non-elected claims have been canceled so that they can be presented in divisional applications.

The Examiner objected to the Abstract of the disclosure as comprising more than one paragraph. The foregoing amendment to the abstract overcomes this objection by combining the two paragraphs of the original abstract into a single paragraph.

In the specification, paragraphs [0026], [0033], [0035], and [0036] have been amended to correct minor typographical errors. No new matter has been added.

The Examiner rejected claim 10 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that "there is no basis as to what distinguishes 'the other,' as no basis for comparison or preclusion has been set forth in the claim or parent claim." The Examiner also indicated that "aid base portion" is in error. Although Applicant disagrees that claim 10 fails to particularly point and distinctly claim the subject matter which applicant regards as the invention, to expedite allowance of this application, claim 10 has been amended to delete the word "other" and recite that the portion being referred to in the claim is the portion that

does not contain the bracket recited in claim 8. Claim 10 has also been amended to correct the typographical error in the phrase "said base portion."

The Examiner rejected claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Hung (U.S. Patent No. 5,915,554). Hung discloses a tool box with a swivel tool rack pivotally mounted in the frame of a tool box cover. Hung does not disclose a container having a passageway that is adapted to slidably receive a tool holder through one side of the interior of the cover (or bottom portion) of the tool box. Nor does Hung suggest such a container. To the contrary, the swivel tool rack disclosed in Hung rotates entirely with the frame of the tool box cover; it does not slide out through one end of the cover so that it can be removed and then inserted in a second position. Nor does Hung provide any motivation to modify the "swivel" tool rack disclosed therein so that it slides in the manner recited in the amended claims. Indeed, the majority of the Hung specification is directed to the very swivel mechanism that would have to be completely reconfigured to arrive at the claimed invention.

The Examiner also rejected claims 1-5, 7-8, and 10 under 35 U.S.C. § 102(b) as being anticipated by Vasudeva (5,887,715). Vasudeva discloses a tool case with snap-in modules. Like Hung, Vasudeva fails to teach or suggest a container having a passageway that is adapted to slidably receive a tool holder through one side of the cover (or bottom portion) of the tool case. Vasudeva does not even teach a container having a holder with a storage area that is accessible from the interior of the container when the holder is inserted in a first position, and accessible from the exterior of the container when the holder is inserted in a second position. The Examiner cites Figure


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19 of Vasudeva as disclosing these limitations. In so doing, however, the Examiner ignores the fact that the module that is accessible from the interior of the tool box is an entirely separate module than the one that is accessible from the exterior of the tool box. In any event, these modules snap into an aperture and there is no motivation to include a passageway in the top or bottom portion of the tool box so that the modules can be slidably inserted in one position in which the items in the module can be accessed from the interior of the tool box and in another position in which the items in the module can be accessed from the exterior of the tool box.

Therefore, the cited references do not teach or suggest the invention set forth in Applicant's amended claims. If, for any reason, the Examiner feels that the foregoing amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 222-8105 to resolve any remaining issues.

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Respectfully submitted,


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